

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PATRICK NEAL KOONTZ,

3:10-CV-6227-HU

Plaintiff,

ORDER

v.

MAX WILLIAMS, *et al.*,

Defendants.

BROWN, Judge.

Magistrate Judge Dennis J. Hubel issued a Findings and Recommendation (#34) on November 11, 2011, in which he recommends this Court deny Plaintiff's Motion (#30) for Extension of Time and to dismiss this proceeding for failure to comply with a court order and for lack of prosecution.

On November 23, 2011, the Court issued its Order (#36) adopting Magistrate Judge Hubel's Findings and Recommendation and issued a Judgement (#37) dismissing this matter. On that same

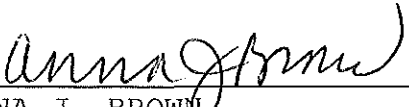
day but after the Court had issued its Order adopting the Findings and Recommendation, Plaintiff filed his Objections (#39) to the Magistrate Judge's Finding and Recommendation. Based on the Certificate of Service attached to Plaintiff's Declaration (#40) in Support of his Objections, the Court has determined that Plaintiff's Objections were, in fact, timely filed, and, therefore, the Court should consider Plaintiff's Objections on their merits. Accordingly, the Court now **vacates** its Order (#36) adopting the Magistrate Judge's Finding and Recommendation and its Judgment (#37) dismissing this matter in order to consider Plaintiff's Objections thereto.

CONCLUSION

The Court **VACATES** its Order (#36) adopting Magistrate Judge Hubel's Findings and Recommendation and its Judgment (#37) dismissing this matter in order to permit the Court to resolve Plaintiff's timely Objections to the Finding and Recommendation. Accordingly, the Court **DIRECTS** Defendants to file any Response to Plaintiff's Objections **no later than December 23, 2011**.

IT IS SO ORDERED.

DATED this 30th day of November, 2011.



ANNA J. BROWN
United States District Judge